**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO.1308 OF 2000

Shri Dnyaneshwar Maharaj Sansthan Alandi
and ors. .. Petitioners

Vs

Narayan Shripati Pawar and ors .. Respondents

Mr P.B. Shah, for the petitioners.

None for the respondents.

**CORAM : D.B.BHOSALE,J.**

**DATE : 1st September, 2005.**

**PC:**

1. This petition is directed against the order dated 29.10.1999 passed by the learned Extra Jt District Judge, Pune, below Exhibit-71 in Civil Suit No.1/1996. The operative part of the order reads thus:-

> 1. Application is allowed.
>
> 2. The defendant no.9 the Hon'ble District & Sessions Judge is restrained to appoint any trustee of defendant no.1 till further orders.

> 3. Plaintiffs and defendants shall take all the steps and endeavour to dispose of the suit within six months and if plaintiffs followed delay tactics then defendants are at liberty to take proper steps.
>
> 4. Cost into cause."

The suit was filed for amendment of the scheme for Alandi Devasthan under section 50(iv)(j) of the Bombay Public Trusts Act,1950 and in that suit application Exhibit-71 was filed in which the aforesaid order dated 29.10.1999 was passed. This Court, while issuing rule in the petition on 6.11.2000, passed the interim order in terms of prayer clause (d). Prayer clause (d) reads thus:

> "(d) That pending the hearing and final disposal of this petition, the operation, implementation and effect of the impugned order dated 29th October, 1999 (being Exh.H hereto) be stayed."

Mr.Shah, learned counsel for the petitioners, submits that in view of the interim order passed by this Court, the learned District & Sessions Judge appointed the trustees from time to time and they are holding charge of the trust as of today. Mr Shah, learned counsel for the petitioners, is not in a

position to state whether the suit is pending. None appears for the respondents. Keeping that in view and considering the order passed by this Court and the submission of Mr Shah, I am satisfied that the following order will meet the ends of justice.

(a) The trial Court shall hear and decide the suit bearing Civil Suit No.1/1996, if not disposed of already, as expeditiously as possible and preferably within a period of six months from the date of receipt of this order. The petitioners to produce a copy of this order before the trial Court within four weeks from today.

(b) The interim order in terms of prayer clause (d) passed by this Court on 6.11.2000 shall remain operative till disposal of the suit.

(c) The trial Court shall decide the suit on merits in accordance with law and uninfluenced by the impugned order dated 29.10.1999 and the interim order passed by this Court.

(d). Rule is accordingly disposed of.

. An authenticated copy of this order may be made available to the parties.

**(D.B.BHOSALE, J.)**